

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2007-187-C**

**In Re:**

**Level 3 Communications, LLC's Tariff     )**  
**No. 4 Revisions to Update the Rates     ) EXPLANATORY BRIEF AND JOINT**  
**For Switched Access Services             ) MOTION FOR APPROVAL OF**  
**) SETTLEMENT AGREEMENT**

---

Pursuant to 26 S.C. Code Ann. Regs. 103-829, the Settlement Policies and Procedures of the Public Service Commission of South Carolina ("the Commission") as revised June 13, 2006, and other applicable statutes, rules and regulations, Level 3 Communications, LLC, ("Level 3"), Windstream South Carolina, Inc. ("Windstream"), Verizon South Inc. ("Verizon"), the South Carolina Telephone Coalition and its affiliates ("SCTC"), BellSouth Telecommunications, Inc., d/b/a AT&T South Carolina ("AT&T South Carolina"), AT&T Communications of the Southern State, LLC ("AT&T Communications") (collectively referred to as the "Parties" or sometimes individually as "Party") and the Office of Regulatory Staff ("ORS") hereby file this Explanatory Brief and Joint Motion requesting approval of the Settlement Agreement attached hereto as Exhibit A. In support of this Joint Motion, the Parties state as follows:

1.       On April 11, 2007, Level 3 filed a revision to its South Carolina Tariff No. 4 with the Commission.

2. On May 4, 2007, Verizon filed a Petition to Intervene and requested an investigation into Level 3's proposed switched access rates. SCTC, AT&T South Carolina, AT&T Communications, and Windstream also filed Petitions to Intervene.

3. On August 14, 2007, the Commission appointed Joseph M. Melchers, Esquire to serve as the Hearing Officer in this matter.

4. Consistent with the Commission's long-standing practice of encouraging carriers in competitive markets to negotiate mutually-acceptable resolutions to their disputes, the Parties participated in settlement negotiations in person and via conference call on numerous occasions between May of 2007 and June of 2008. After lengthy negotiations, the Parties reached agreement and request that the Commission approve the Settlement Agreement attached hereto as Exhibit A. The ORS actively participated in the settlement negotiations and facilitated the Settlement Agreement.

5. As explained in more detail in the Settlement Agreement, Level 3 has separately negotiated certain intrastate switched access rates, terms and conditions individually with the other parties to this docket. The ORS has reviewed each of these individual contracts and has discussed the terms and conditions of each individual contract with the parties to that contract and, as a result of those individual discussions, ORS has concluded that each contract is consistent with the public interest as defined in S.C. Code §58-4-10(B)(Supp. 2007).

6. The Parties are authorized to enter into individual contracts pursuant to state law. *See, e.g.*, S.C. Code §58-9-280(I); S.C. Code Ann. §58-9-285 (Supp. 2007). In light of this express statutory authorization and the ORS's determination that each contract is consistent with the public interest, the Parties respectfully request that the Commission waive any requirement

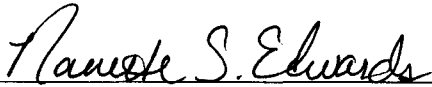
for a hearing that may exist and expeditiously approve the Settlement Agreement attached hereto as Exhibit A.

WHEREFORE, having fully set forth their Explanatory Brief and Joint Motion, the Parties and ORS request that the Commission approve the Settlement Agreement without a hearing.

[SIGNATURES ON FOLLOWING PAGE}

WE SO MOVE:

**Representing the Office of Regulatory Staff**

A handwritten signature in cursive script, reading "Nanette S. Edwards", is written over a horizontal line.

Nanette S. Edwards

South Carolina Office of Regulatory Staff

1441 Main Street, Suite 300

Columbia, SC 29201

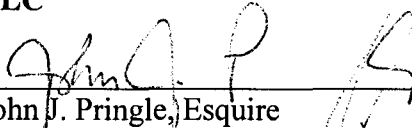
Phone: (803) 737-0575

Fax: (803) 737-0895

E-mail: [nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)

WE SO MOVE:

**Representing Level 3 Communications  
LLC**



---

John J. Pringle, Esquire  
Ellis, Lawhorne & Sims, P.A.  
1501 Main Street, 5<sup>th</sup> Floor  
Post Office Box 2285  
Columbia, SC 29202  
Phone: (803) 254 -4190  
Fax: (803) 779-4749  
jpringle@ellislawhorne.com

WE SO MOVE:

Representing Windstream South  
Carolina, Inc.

A handwritten signature in black ink, appearing to read "BR Maybank", written over a horizontal line.

Burnet R. Maybank, III, Esquire  
Nexsen, Pruet, Adams Kleemeier, LLC  
P.O. Drawer 2426  
Columbia, South Carolina 29202  
Phone: (803)-540-2048  
Fax: (803)-253-8277  
Email: [bmaybank@nexsenpruet.com](mailto:bmaybank@nexsenpruet.com)

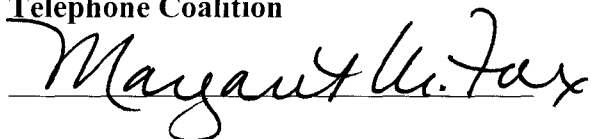
WE SO MOVE:

  
Representing Verizon South Inc.

Steve W. Hamm, Esquire  
Richardson, Plowden, & Robinson  
P.O. Box 7788  
Columbia, South Carolina 29202  
Phone: (803)771-4400  
Fax: (803)799-7555  
Email:shamm@rpclaw.com

WE SO MOVE:

**Representing the South Carolina  
Telephone Coalition**

A handwritten signature in black ink, reading "Margaret M. Fox", written over a horizontal line.

Margaret M. Fox, Esquire

M. John Bowen, Jr. Esquire

McNair Law Firm, PA

P.O. Box 11390

Columbia, South Carolina 29211

Phone: (803)-799-9800

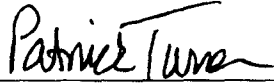
Fax: (803)-799-9804

Email: [pfox@mcnair.net](mailto:pfox@mcnair.net)



WE SO MOVE:

**Representing BellSouth Telecommunica-  
tions Inc. d/b/a AT&T South Carolina  
and AT&T Communications of the  
Southern States, LLC**



---

Patrick W. Turner, Esquire  
1600 Williams Street  
Suite 5200  
Columbia, South Carolina 29201  
Phone: (803)-401-2900  
Fax: (803)-254-1731  
Email: pt1285@att.com